

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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WINWARD BORA, LLC,

Plaintiff,  
-against-

**ORDER ADOPTING REPORT  
AND RECOMMENDATION**  
19-CV-6137 (DRH)(AKT)

MICHAEL J. STELLATO, SANDRA  
SWITZER, TERESA FERRARA, RICHARD  
FERRARA, and CITIBANK SOUTH  
DAKOTA, NA,

Defendants.

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Presently before the Court is the Report and Recommendation of Magistrate Judge A. Kathleen Tomlinson, dated September 18, 2020 recommending that the Court deny plaintiff's motion for a default judgment of foreclosure and sale against defendants Michael J. Stellato, Sandra Switzer, Teresa Ferrara, Richard Ferrara, and Citibank South Dakota, NA in light of Plaintiff's failure to provide documentation to substantiate a calculation of damages in connection with the default judgment. More than fourteen (14) days have passed since service of the Report and Recommendation and no objections have been filed.

Pursuant to 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72, this Court has reviewed the Report and Recommendation for clear error, and finding none, now concurs in both its reasoning and its result. Therefore, the Court adopts the September 18, 2020 Report and Recommendation of Judge Tomlinson as if set forth herein. Accordingly,

**IT IS HEREBY ORDERED** that plaintiff's motion for a default judgement and judgment of foreclosure and sale against defendants Michael J. Stellato, Sandra Switzer, Teresa

Ferrara, Richard Ferrara, and Citibank South Dakota, NA is denied without prejudice to renew, with the necessary documentation in support of Plaintiff's damages, within 28 days of this Order.

Dated: Central Islip, N.Y.  
October 5, 2020

/s/ Denis R. Hurley  
Denis R. Hurley  
United States District Judge